

**CHIROPRACTIC EXAMINING BOARD  
MADISON, WI  
MINUTES  
THURSDAY, MARCH 20, 2003**

**PRESENT:** Steven Conway, Char Glocke; Brouck Sleight, D.C., James Rosemeyer, D.C., James Weber, D.C.

**EXCUSED:** Susan Feith

**STAFF PRESENT:** Kimberly Nania, John Schweitzer, Grace Schwingel, Barb Showers, Gail Pizarro, Lydia Bridge, DOE Staff –Marlene Meyer, Camille Major, Michelle Neverman

**GUESTS:** Ron Hermes, WPTA  
Russ Leonard, WCA  
Mark Grapentine, Wisconsin Medical Society

**CALL TO ORDER**

James Rosemeyer, Chair, called the meeting to order at 8:00 a.m.

**AGENDA**

**MOTION:** Brouck Sleight moved, seconded by James Weber, to approve the agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES OF FEBRUARY 27, 2003**

**Amendments to Minutes of 2/27/03:**

- On page 3 of the minutes under the heading “Correspondence and Discussion re: Chiropractic Definitions”, change the first sentence to read, “The Board continued its discussion of defining chiropractic definitions.”
- On page 6 of the minutes, under heading “Discussion Re: Nambudripad’s Allergy Elimination Technique (NAET) delete the third sentence “It was noted that for a chiropractic technique to be valid . . .
- “On page 8 of the minutes, on the motion under Other Board Business, change the motion to include “to notify 5 schools; *Northwestern*, Life West, Cleveland, National and Parker, . . . “

**MOTION:** Steven Conway moved, seconded by Brouck Sleight, to approve the minutes of February 27, 2003 as amended. Motion carried unanimously.

**REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND  
ADMINISTRATIVE RULES AND PRESS RELEASES**

Noted

## **STATUS OF CONTINUING EDUCATION HOURS UNDER HIPAA – GAIL PIZARRO**

Gail Pizarro discussed with the Board its options for handling two HIPAA seminars given at Cleveland and Parker Colleges in January and February 2003 that were erroneously approved and taken by licensees at Northwest College, Cleveland College, and Parker College to meet their CE requirements. The courses should not have been approved because they were not clinical courses.

**MOTION:** Brouck Sleight moved, seconded by Steven Conway, to rescind the credit that had been previously granted for the two HIPAA seminars for the 3 schools, Northwestern, Cleveland, and Parker Colleges and any other schools that may be found to have offered these seminars for meeting CE requirements and to notify the schools and the chiropractors who took the seminars that those particular seminars do not count towards fulfilling the required CE credits. Char Glocke opposed this motion. Motion passed.

## **DISCUSSION OF CE EXCEPTION – OPTIONS FOR EXTREME HARDSHIPS.**

The Board discussed the option to change its rules to be able to allow exceptions for the CE requirements in hardship cases such as for people who have been called up by the military. Legal Counsel, John Schweitzer and Steven Conway will consider this option as they review the Board's rules.

## **DISCUSSION AND REVIEW OF LETTERS FOR CE AUDIT**

Barbara Showers reviewed drafts of letters of initial request and the letter to be sent to licensees who are chosen for the CE audit. Lydia Bridge made changes to the letters as recommended by the Board. The Board approved the revised drafts of the letters. The Board informed Barbara Showers that it would like to have a sampling of 150 licensees for its audit. The Board further discussed various options for dealing with audited licensees who erroneously indicated they had fulfilled their CE requirements. Situations which involve false advertising that mislead students were also discussed. The Board would send licensees who are found to have not properly fulfilled their CE requirements to the Department's Division of Enforcement process with the expectation that they would be suspended for a minimum of 30 days. The only exception would be for hardship cases. The Board would consider the merits of each case on a case by case basis. Barbara Showers will explore the feasibility of putting a list of approved courses on the Department's website that would fulfill CE requirements. This information is also available through the WCA.

## **CORRESPONDENCE FROM WCA RELATING TO REPLACING THE WISCONSIN LICENSING EXAM WITH THE NATIONAL PART IV EXAM**

Legal Counsel, John Schweitzer, reviewed the letter from the WCA regarding the Board's decision to replace the Wisconsin Licensing Exam with the National Part IV Exam. Within the next week or two, the Board would like to review the rules and the process that needs to be followed in resolving this situation before making any final decisions so this issue can be discussed at the Board's April meeting.

**MOTION:** Char Glocke moved, seconded by Brouck Sleight, to authorize James Rosemeyer to meet together with Steven Conway, Legal Counsel, John Schweitzer, and the WCA to further review the WCA's proposal along with other rules the Board is reviewing. Motion carried unanimously.

**REVIEW OF CORRESPONDENCE RELATING BY THE CHIROPRACTIC BOARD  
FROM D.C. PARTICIPATING AS A PRINCIPLE INVESTIGATOR FOR AN  
FDA APPROVED CLINICAL RESEARCH STUDY**

James Rosemeyer turned the meeting over to Brouck Sleight, Vice Chair, while James Rosemeyer went to talk with the candidates who were taking the exam at the Department. The Board authorized Legal Counsel, John Schweitzer, to write to Ms. Ann Bell, asking her for more information and to inform her that the Board questions whether the use of the pulse electromagnetic device is within the scope of practice of chiropractic.

**DISCUSSION AND MEETING WITH REPRESENTATIVES OF WCA RELATING TO  
PROPOSED LEGISLATION**

There was a lengthy discussion with Russ Leonard, a representative of the WCA, who explained WCA's legislative proposal to the Board and answered questions from Board members regarding a chiropractor's ability to recommend nutritional and herbal supplements, referral requirements, and peer review issues. Issues distinguishing the role of the Board and the role of the WCA were also discussed.

**REVIEW REQUESTS FOR PRECEPTOR APPROVALS.**

**MOTION:** Brouck Sleight moved, seconded by Char Glocke, to accept Kent Albrecht and John Friedrichs as preceptors. Motion carried unanimously.

**DISCUSSION OF THE PURPOSE OF A PRECEPTORSHIP**

Noted

**RESPONSES FROM THE OFFICE OF COMMISSIONER OF INSURANCE  
RELATING TO BILLING OF "SAME DAY DISCOUNTS" BY CHIROPRACTORS**

The Board discussed the issues involved in the billing of same-day discounts by chiropractors and the process to be followed with insurance companies. The Board authorized Legal Counsel and Brouck Sleight to draft a letter to the Office of the Commissioner of Insurance. It was suggested that a regulatory digest article could be written regarding this issue.

**DISCUSSION OF REVIEW OF DRAFT RULE RELATING TO UTILIZATION REVIEW**

This item will be an agenda item to be discussed at the Board's April meeting.

**DISCUSSION OF ELECTRO DIAGNOSTIC EVALUATION PROCEDURE AND  
LASER TECHNIQUES**

Brouck Sleight updated the Board on these techniques indicating he has not yet heard from the company regarding the nerve conduction studies. The Laser technique is still investigatory even though it has been approved by the FDA. Steven Conway is in contact with an individual from Florida who uses this technique and will report back any findings at the Board's April meeting.

#### **DISCUSSION OF NAET LED BY DR. WEBER**

James Weber gave an update on information he had gathered on the NAET technique and distributed some materials he had obtained, "An open letter to NAET patients." James Weber will continue to gather information on the NAET technique and report back to the Board at the April meeting.

#### **REVIEW OF RULES BY DR. CONWAY AND LEGAL COUNSEL ONGOING**

This issue was reviewed and will be kept on the agenda for the April meeting.

#### **CORRESPONDENCE AND PHONE INQUIRIES BY LEGAL COUNSEL**

Legal Counsel, John Schweitzer, reviewed correspondence he had received regarding a request to carry the nutritional supplement sea silver which appeared to be a pyramid scheme. Legal Counsel will respond indicating the wisdom of avoiding pyramid schemes. John Schweitzer will contact the Consumer Fraud Office to see if there is a way to prevent the financial abuse of a patient's trust in their doctor who may subject them to questionable marketing plans for products.

Legal Counsel also reviewed an insurance question on subrogation he received. The Board recommended that Legal Counsel have this individual contact Brouck Sleight for the answer to his question.

#### **CHIROPRACTIC DEFINITIONS – REPORT FROM JAMES ROSEMEYER AND STEVEN CONWAY**

James Rosemeyer and Steven Conway reported on their meeting with Russ Leonard of the WCA regarding Chiropractic definitions.

#### **CLOSED SESSION**

**MOTION:** Steven Conway moved, seconded by Brouck Sleight, to adjourn to closed session pursuant to Wisconsin State statutes 19.85(1)(a)(b)(f) and (g) to deliberate on request for termination of suspension, request for approval of evaluator and mentor, orders fixing costs, Division of Enforcement case status reports and to consult with legal counsel. Motion carried by roll call vote: Steven Conway -yes; Char Glocke-yes; Brouck Sleight, D.C. -yes; James Rosemeyer, D.C -yes; James Weber, D.C.-yes

Open Session recessed at 11:15 a.m.

**RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED  
SESSION**

**MOTION:** Brouck Sleight moved, seconded by James Weber, to reconvene into Open Session at 12:45 p.m. Motion carried unanimously.

**VOTE ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION**

**APPEARANCE AND REVIEW REQUEST FOR TERMINATION OF SUSPENSION**

**RANDAL ARNOLD, D.C.**

**MOTION:** James Weber moved, seconded by Brouck Sleight, to grant Randal Arnold, D.C. a reinstatement with limitations to include continued treatment with Dr. Lodl, follow the policies and procedures presented to the board including use of the surveillance form and patient survey form. Dr. Lodl will be required to report to the board any deviation from the policies and procedures and the Board may summarily suspend Dr. Arnold's license if it has reason to believe that he deviated from such policies and procedures. Dr. Arnold may petition the board for removal or modification of these limitations. Motion carried unanimously.

**REQUEST FOR APPROVAL OF EVALUATOR AND MENTOR**

**RICHARD HORAITIS, D.C.**

**MOTION:** Brouck Sleight moved, seconded by Char Glocke, to accept Dr. Charles Lodl as the psychotherapist for Dr. Horaitis, and delegates to the Board Chair, the approval of a mentor. Motion carried unanimously.

**ORDER FIXING COSTS**

**HAROLD J. DYKEMA, D.C.**

**MOTION:** Steven Conway moved, seconded by Char Glocke, to approve the order fixing costs in the matter concerning Dr. Dykema. Motion carried unanimously.

**MICHAEL R. LABLANC, D.C.**

**MOTION:** James Weber moved, seconded by Char Glocke, to approve the order fixing costs in the matter concerning Dr. LaBlanc. Motion carried unanimously.

**DIVISION OF ENFORCEMENT – CASE STATUS**

**MOTION:** Brouck Sleight moved, seconded by Char Glocke, to close case **01 CHI 020** for no violation. Motion carried unanimously.

**MOTION:** James Weber moved, seconded by Brouck Sleight, to close case **02 CHI 070** for PD 1 (prosecutorial discretion #1) Motion carried unanimously.

### **CONSULT WITH LEGAL COUNSEL**

Legal Counsel reviewed some information he had received with the Board on some of the above cases.

### **VOTE ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION, IF VOTING IS APPROPRIATE**

### **INFORMATIONAL ITEMS**

The Board reviewed information that was received from the National Board on boundaries.

The Board discussed neuroorganizational technique and decided that even if it had been approved in the past, it is an ineffective technique that is not part of the practice of chiropractic

### **ADJOURNMENT**

**MOTION:** James Weber moved, seconded by Steven Conway, to adjourn the meeting at 1:00 p.m. Motion carried unanimously.

**Next Meeting: 8:00 a.m., Thursday, April 17, 2003 – Room 179A**